

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM)
MOTORS, INC., and MATTINGLY AUTO)
SALES, INC., individually and on behalf of)
other members of the general public similarly)
situated,)

Plaintiffs,)

v.)

NEXTGEAR CAPITAL, INC. f/k/a DEALER)
SERVICES CORPORATION,)

Defendant.)

Case No. 1:14-cv-01589-TWP-DLP

[PROPOSED] ORDER

The Court having read and considered the Unopposed Motion for Corrective Notice to Non-Class Members [Doc. 357], and for good cause shown, IT IS HEREBY ORDERED that the Motion is **GRANTED**.

IT IS FURTHER ORDERED:

1. NextGear has determined that 94 dealers that received class notice entered into new contracts with NextGear in which they agreed to arbitrate their disputes with NextGear. Those dealers are not part of the class previously certified by the Court.

2. NextGear may proceed with the corrective notice to those 94 dealers to notify them that they are not part of the class. This is consistent with the Court's class certification order at Filing No. 315 at 27. The cost of such notice shall be borne by NextGear.

3. The proposed notice form attached to NextGear's Motion as Exhibit A and the proposed notice procedures described in NextGear's Motion are APPROVED. Plaintiffs and the class administrator shall provide NextGear with the most recent address information for the

relevant 94 dealers within seven (7) days of the date of this Order. The notice shall be mailed within fourteen (14) days of the date of this Order.

Indianapolis, Indiana, this _____ day of _____, 2021.

HON. TANYA WALTON PRATT
UNITED STATES DISTRICT JUDGE

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